

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>No. 4:13 CR 512 EREW</b>
	)	
<b>JEFFREY WITT,</b>	)	
	)	
<b>Defendant.</b>	)	

**OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT**

Comes now Defendant JEFFREY WITT, by and through counsel, and for his Objections to the Presentence Report, states as follows:

1. Undersigned counsel and Ryan Wilke, Senior U.S. Probation Officer, have discussed the below enumerated objections and are unable to reach a resolution. The bulk of the objections relate to the intended loss. As is noted in the Guilty Plea Agreement, the parties had anticipated these objections and agreed to have this Court resolve the disputes at Sentencing.

2. The objections are as follows:

A. Part A: Offense Conduct, Paragraph 24: Mr. Witt denies the information contained in this paragraph regarding victim S.D. and the amount of loss attributed, \$7,037.19. It is Mr. Witt's position that without reviewing his file on this matter, he cannot accurately admit or deny and, therefore, our objection to this Paragraph. It is unknown to Mr. Witt and his counsel who has physical possession of this file, although inquiries have been made as to its location.

B. Part A: Offense Conduct, Paragraph 25: Mr. Witt denies the information contained in this paragraph regarding victim, the Louis Bunda Trust and the amount of loss attributed, \$127,234.679. Further, there is a pending lawsuit involving this Trust which seeks the removal of Mr. Witt as Trustee and other attendant matters filed in the Circuit Court of St. Louis County, *Trust of Louis A. Bunda U/T/I Dtd April 22, 2005 v. Jeffrey M. Witt*, bearing Case No. 14SL-PR02558 filed August 27, 2014, which includes allegations related to this issue. It should be noted that Mr. Witt, as Trustee of the aforesaid Trust, was entitled to fee monies and

reimbursement of expenses. It is Mr. Witt's position that without reviewing his file on this matter, he cannot accurately admit or deny and, therefore, our objection to this Paragraph. It is unknown to Mr. Witt and his counsel who has physical possession of this file, although inquiries have been made as to its location.

C. Part A: Offense Conduct, Paragraphs 26-27: In light of the objections to Paragraphs 24 and 25, as a corollary, our objection to this Paragraph. Further, it should be noted in Paragraph 26, there is listed restitution due E.M. in the amount of \$20,000 which is the subject of a lawsuit filed in the Circuit Court of St. Louis County, *Eric J. Meng v. Jeffrey Witt*, bearing Case No. 14SL-CC00138, filed January 17, 2014, in which damages are sought against Mr. Witt. It is Mr. Witt's position that without reviewing his file on this matter, he cannot accurately admit or deny and, therefore, our objection to this Paragraph. It is unknown to Mr. Witt and his counsel who has physical possession of this file, although inquiries have been made at to its location.

D. Part A: Offense Conduct, Paragraph 29: Objection is made to the word "fled" -- Mr. Witt left on his own accord during October, 2013, not returning until March, 2013. Perhaps a better choice of words would be removed himself from his present circumstances. It is Mr. Witt's position he left the United States on his own accord because of the extenuating circumstances of his life, including his mental health difficulties, and had every intention of returning which, in fact, he did voluntarily.

E. Part A: Offense Conduct, Paragraph 30: In light of the objections to Paragraphs 24 and 25, objection is made to this Paragraph.

F. Part A: Offense Level Computation, Paragraph 37: In light of the objections to Paragraphs 24, 25, 26, 27 and 30, objection is made to this Paragraph.

G. Part A: Total Offense Level, Paragraph 45: In light of the objections to Paragraphs 24, 25, 26, 27, 30 and 37, objection is made to this Paragraph.

H. Part B: Defendant's Criminal History, Paragraph 55: Mr. Witt objects to the information contained in this paragraph inasmuch as he was unaware of any returned check by the Collector of Revenue.

I. Part B: Personal and Family Data, Paragraph 56: Mr. Witt objects to the statements attributable to his mother, Peggy Witt, contained in the last two (2) sentences of this Paragraph. He adamantly denies that he ever told his Mother he blamed her for his difficulties and never stated she would never see her grandchildren. Further, we do not believe it is Mrs. Witt's role to make a determination of Mr. Witt's remorsefulness or lack thereof. As previously noted, we would object to the use of the word "fled" in this paragraph (14<sup>th</sup> line from the top).

J. Part B: Personal and Family Data, Paragraph 59: Mr. Witt objects to the statements attributable to Tiffany Smith-Miller which are, we believe, from the police report and are nothing more than hearsay.

K. Part B: Personal and Family Data, Paragraph 60: Mr. Witt objects to the use of the word “fled” (10 lines from top). Also, he has advised that he will not be residing with Tom Smith at his release (second to last sentence). Rather, he has advised, he does not know where he will reside at his release.

L. Part B: Employment Record, Paragraph 80: Mr. Witt objects to the inaccurate recitation of his travels which, as noted above, commenced in October, 2013. Also, he likewise disputes the use of the word “fled.”

M. Part D: Sentencing Options, Paragraph 93: In light of the foregoing objections, objection is made to the Total Offense Level.

N. Part D: Restitution, Paragraph 105: In light of the foregoing objections, objection is made to the Total Offense Level.

3. A summary of Defendant’s objections is as follows:

Objections related to the intended loss: A, B, C, E, F, G, M, N

Objections related to the use of the word “fled”: Paragraph 2, Sections D, K, L

Objection related to pending warrant for Insufficient Check: H

Objections related to comments made by Defendant’s Mother and Girlfriend:

Paragraph 2, Sections I and J

Respectfully submitted,

**/S/ JoANN TROG**

JoANN TROG

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2014, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Hal Goldsmith, Assistant United States Attorney 111 South 10<sup>th</sup> Street, 20<sup>th</sup> Floor, St. Louis, Missouri 63102.

I hereby certify that on October 3, 2014, a copy of the foregoing was sent via e-mail (Ryan\_Wilke@moep.uscourts.gov) to Ryan Wilke, Senior U.S. Probation Officer he foregoing was 111 South 10<sup>th</sup> Street, Suite 2.325, St. Louis, Missouri 63102.

/s/ ***JoANN TROG***